

REMARKS

Claims 1, 7-10 and 21-25 are currently pending in this application. Claims 1 and 7-10 have been amended. New claims 21-25 have been added. Claims 2-6 and 11-20 have been cancelled. No new matter has been added. Support for these amendments can be found throughout the specification and in particular on pages 34-35, 83, 93-95 and 102 of published PCT WO 2005/069900.

This communication is also responsive to the restriction requirement set forth in the Office Action mailed January 22, 2010. On page 3 of this document, the examiner states that Applicant must elect a single species of a compound in the class "substituted 2-azetidinone glucuronides," and define each substituent, for example, X, X¹, X², R, R¹, R², and R³ on the base molecule, which definitions would allow identification of the elected species.

Responsive to these requirements, Applicant elects **compound 2** disclosed on page 83 of corresponding PCT publication No. 2005/069900 for initiating prosecution.

Claims 1, 7-10 and 21-23 read on the elected species.

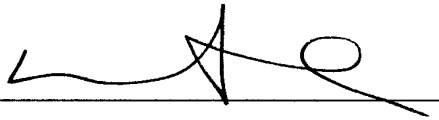
Elected compound 2 belongs to the class of compounds represented by Formula IIa (*Id.*, at page 35). Accordingly, for the elected species, X¹ is an oxygen (–O) atom, X² is 3-hydroxypropanediyl group (i.e. –CH(OH)–CH₂–CH₂–), the phenyl ring attached to the nitrogen atom of azetidin-2-one is substituted with a (prop-2-ynyl)methanesulfonamide group *para* to the phenyl groups point of attachment to the azetidin-2-one ring, and phenyl ring attached to the hydroxypropanediyl group is substituted with a fluoro (–F), group *para* to its point of attachment to the hydroxypropanediyl group. With respect to Formula IIa for the elected species, R⁹ is –C≡C–CH₂–NR¹⁰R¹¹, wherein R¹⁰ is –H and R¹¹ is –SO₂–C₁₋₃alkyl.

Applicant understands that upon the determination by the PTO that the elected species is allowable, the PTO will expand its search beyond the elected species to the full scope of the claimed invention.

Applicant reserves the right to pursue the subject matter of non-elected and cancelled claims in one or more divisional applications.

Respectfully submitted,

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, then the Commissioner is authorized to charge the unpaid amount to the deposit account. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to the above deposit account.